

**Meeting of the Central Valley Flood Protection Board
October 17, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 16591-A (Attachment A) to construct an addition to existing residence (Permit No. 16591) on the right (north) bank overflow area (Area C) of the Yuba River.

Applicant

Mike Kostas

Location

The project is located in Marysville at 2719 Walnut Avenue. (Yuba River, Yuba County, see Attachment B).

Description

To construct a 480-square-foot addition to existing residence (Permit No. 16591) on the right (north) bank overflow area (Area C) of the Yuba River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received and is not anticipated to be received by the October 17, 2008 Board meeting..
- The Marysville Levee Commission has endorsed this application.

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301(e)) covering additions to existing structures.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 16591-A BD**This Permit is issued to:**

Mike Kostas
2719 Walnut Avenue
Marysville, California 95901

To construct a 480-square-foot addition to existing residence (Permit No. 16591) on the right (north) bank overflow area (Area C) of the Yuba River. The project is located in Marysville at 2719 Walnut Avenue (Section 34, T16N, R4E, MDB&M, Marysville Levee Commission, Yuba River, Yuba County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer**GENERAL CONDITIONS:**

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 16591-A BD

THIRTEEN: The permittee acknowledges that the proposed structure(s) will be located within Area C of the Yuba River Designated Floodway and may be subject to flooding.

FOURTEEN: This permit is not valid until the enclosed Agreement Establishing a Covenant Running with the Land has been signed, notarized, and returned to the Central Valley Flood Protection Board.

FIFTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

SIXTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Marysville Levee Commission from any liability or claim(s) of liability associated therewith.

SEVENTEEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Marysville Levee Commission shall not be held liable for damage(s) to the herein permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair.

EIGHTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

NINETEEN: Cleared trees and brush shall be completely burned or removed from the floodway, and

downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY: The finished floor elevation shall be at least 2 feet above the design flood plane elevation of 90.7 feet, NGV Datum. Permittee shall provide an elevation certificate indicating compliance with the above elevation requirement prior to completion of the project.

TWENTY-ONE: Stockpiled construction material and/or equipment shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY-TWO: All debris generated by this project, demolition and/or construction, shall be disposed of outside the flood control project works.

TWENTY-THREE: If the permitted encroachment(s) result in any adverse hydraulic impact(s) to the floodway, the permittee shall provide appropriate mitigation acceptable to the Central Valley Flood Protection Board.

TWENTY-FOUR: The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by any authorized representative of the Central Valley Flood Protection Board, the Department of Water Resources and/or any other agency responsible for maintenance.

TWENTY-FIVE: If damage to the dwelling exceeds 50 percent of its market value within a 10-year period, the dwelling cannot be rebuilt or replaced without approval of the Central Valley Flood Protection Board. If the dwelling is not repaired or replaced, the remaining portion must be completely removed from the floodway prior to the next flood season.

TWENTY-SIX: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-SEVEN: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Control Board may modify or remove the encroachment(s) at the permittee's expense.

TWENTY-EIGHT: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board, at the permittee's or successor's cost and expense.

TWENTY-NINE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated X XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.



